IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

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) No. 13-cv-7853
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) Judge Sharon Johnson Coleman
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ORDER

Plaintiff, Florence Mussat, M.D., S.C. ("Mussat"), filed a Motion for Reconsideration of the dismissal of Count II of its Amended Complaint, alleging violation of the Illinois Consumer Fraud Act ("ICFA"), 815 ILCS § 505/2 *et seq.* For the reason stated herein, grants the motion.

In reviewing its Order entered July 21, 2014, granting dismissal of Count II of the Amended Complaint, this Court has concluded that it applied the *Robinson* factors overly strictly at the dismissal stage. *See Robinson v. Toyota Motor Credit Corp.*, 201 Ill. 2d 403, 417-18, 775 N.E. 2d 951, 961 (2002). In doing so, this Court does not find that its ruling was incorrect that Mussat's damages, as alleged, are *de minimis*. However, the Court acknowledges that it is possible that discovery could reveal a putative class of more than the 40 potential class size constituting a substantial injury to consumers. Accordingly, this Court grants the Motion for Reconsideration and allows Mussat to proceed with discovery on both counts of its Amended Complaint once the temporary stay is lifted.

IT IS SO ORDERED.

Date: October 6, 2014

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